(1)S.B.CIVIL WRIT PETITION NO.4495/2001
(M/s Meera Marbles Pvt. Ltd. v. Ajmer Vidyut Vitran Nigam Ltd., Ajmer & Ors.)

(2)S.B.CIVIL WRIT PETITION NO.493/2002
(M/s Meera Marbles Pvt. Ltd. v. Ajmer Vidyut Vitran Nigam Ltd., Ajmer & Ors.)

Date of Order :: 20th July, 2007

HON'BLE MR.JUSTICE GOVIND MATHUR

Mr. J.L.Purohit, for the petitioner.
Mr. Ravi Bhansali, for the respondents.

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After making an inspection on basis of Load Survey Report, it was observed that the consumer (petitioner) abstracted electrical energy without allowing the meter to record it by using external means, accordingly, a decision was taken to discontinue electricity connection as per general conditions of supply. Being aggrieved by the same the petitioner preferred a writ petition (SBCWP No.4495/2001) wherein while issuing notice to show cause to the respondents an interim order was passed by this Court to restore electricity connection subject to the condition the petitioner deposits the amount in terms of clause 29B(1)(a) of the General Conditions of Supply. In pursuant to the interim order aforesaid the electricity connection was restored. However, during pendency of the writ petition referred above, a final assessment of abstracted electrical energy was made and that was challenged by another

writ petition (SBCWP No.493/2002) and that too came to be admitted by this Court with an interim direction not to take any coercive process against the petitioner.

The facts and issue involved in this petition for writ are quite akin to the facts involved in Writ Petitions No.3772/201 and 376/2002 (M/s Sidharth Marmo (Pvt.) Ltd. v. Ajmer Vidyut Vitran Nigam Ltd., Ajmer & Ors.), decided today itself. Accordingly, these petitions for writ also deserve to be disposed of in terms of the judgment referred above.

Accordingly, the writ petition No.4495/2001 is dismissed as becoming infructuous as a final assessment was subsequently abstracted. The writ petition No.493/2002 is allowed. The order impugned dated 14.01.2002 is quashed. The bill, as a consequent thereto, is also quashed. The assessing authority is directed to decide the matter afresh by affording an opportunity of hearing to the petitioner.

No order to costs.

( GOVIND MATHUR ),J.

Kkm/ps.